

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1084

In re: DEMETRIUS HILL,

Petitioner.

On Petitions for Writ of Mandamus. (7:08-cv-00283-JCT-RSB)

Submitted: June 28, 2012

Decided: August 3, 2012

Before NIEMEYER, GREGORY, and DUNCAN, Circuit Judges.

Petitions denied by unpublished per curiam opinion.

Demetrius Hill, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Demetrius Hill petitions for a writ of mandamus asking this court to award attorney's fees to his counsel under the Equal Access to Justice Act after a jury returned a verdict in Hill's favor in his action filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). He has filed a second petition for a writ of mandamus requesting this court to intervene and stop the district court from conducting a new trial. We conclude that Hill is not entitled to mandamus relief.

Mandamus relief is a drastic remedy and should be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-17 (4th Cir. 2003). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988).

Mandamus may not be used as a substitute for appeal. In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007). The relief sought by Hill is not available by way of mandamus. Accordingly, we deny the petitions for writ of mandamus. We further deny Hill's motion for appointment of counsel. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials

before the court and argument would not aid the decisional process.

PETITIONS DENIED